

REMARKS

Claims 1-9, 11-32, 34-42 and 44-49 were pending in the present application. By the present Amendment, Claims 1, 2, 7, 13, 14, 20, 22, 24, 25, 28, 29, 35, 36, 37, 39, 40, 41, 45 and 48 are amended and Claim 30 is canceled. Thus, claims 1-9, 11-29, 31, 32, 34-42 and 44-49 will be pending in this application after submission of this amendment. Applicant believes that the present application is in condition for allowance in view of the foregoing comments; thus, a prompt and favorable action to this end is respectfully requested.

I. AMENDMENT TO THE SPECIFICATION

Applicant amends the Specification as indicated above to clarify readability. No new matter is added.

II. AMENDMENTS TO THE CLAIMS

Applicant amends and adds to the claims as indicated above to correct antecedent basis, other informalities and more distinctly claim the invention thereby putting the claims in better form for allowance. In some cases, the term “or” was replaced with “at least one of” language, to clarify that at least one of one element or at least one of another element or some combination is referred to. No new matter is added.

III. REJECTION UNDER 35 U.S.C. §112

The Examiner rejected Claims 1 and 20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 20 are presently amended. Reconsideration and withdrawal of this rejection are respectfully requested.

IV. REJECTION UNDER 35 U.S.C. §103(a): Forrester & Blight

The Examiner rejected Claims 20-24 and 28 under 35 U.S.C. §103(a) as being unpatentable over Forrester (U.S. Pub. No. 2003/0134646) in view of Blight (U.S. Pub. No. 2002/0184418). The rejection is traversed. Reconsideration, in light of the following statements, is respectfully requested.

Independent Claim 20

Amended Claim 20 recites, in part:

A position determination system comprising:
a global positioning system (GPS) receiver ...;
a wireless telephone receiver ...;
a wireless computer network transceiver ...; and
a position determining entity to determine a position of a mobile communication device based on
the data received from the GPS satellites,
the communication signals from the base transceiver station, and
the data received from the network wireless access point.”

For Claim 20, the Examiner states:

Forrester discloses a position determination system comprising: [...] a position determining entity to determine the position of the mobile communication device based on the data received from the GPS satellites (col. 2, par. [0020-0024]), the communication signals from the base transceiver station, if available with an acceptable error range, and the data received from the network wireless access point (col. 3 through col. 4, par. [0033-0036]). However, Forrester does not disclose a mobile device communicated directly to Wireless Access Point; if available with an acceptable error range and the data received from the network wireless access point.

In the same invention, Blight discloses a mobile device communicated directly to Wireless Access Point (Fig. 1, col. 2, par. [0033]), if available with an acceptable error range and the data received from the network wireless access point (page 4, par. [0089-0106]).

The Examiner has failed to identify where, in the cited references, each of the features of independent Claim 20 is disclosed.

First, the Examiner fails to properly address the feature of “a position ... **based on** ... the communication signals from the base transceiver station” as recited in Claim 20. For this feature, the Examiner cites to Forrester at “(col. 3 through col. 4, par. [0033-0036])”. Applicant’s attorney does not see how the cited portions of Forrester disclose “a position determining entity to determine a position a position ... base on ... the communication signals.” Rather Forrester describes a device using position assist

information (i.e., AA and SA information) to shorten a time to acquire GPS satellites. In Forrester, the “BSC 110 can be configured to also transmit updated position assist information to device 102” (paragraph [0035]). Thus, the “AA and SA information allows device 200 to quickly, preferably in 2 seconds or less, acquire GPS satellites 104 in order to make a position determination” (Forrester at paragraph [0030]; see also, paragraph [0029]). That is, the position assist information (i.e., AA and SA information) provided by the BSC quickens a duration of time. In sum, the determined location is unchanged with or without the position assist information. Therefore, Forrester does not describe a determined position of a mobile communication device is based on the communications signals from the base transceiver station, but rather, a quicker way to get the same location information.

Second, the Examiner fails to properly address the combined features of “a wireless telephone receiver” **AND** “a wireless computer network transceiver” as recited in Claim 20. For these features, the Examiner cites to Forrester at “(col. 1, par. [0015])” and “(col. 2, par. [0016-0018]).” The Examiner improperly counts twice one element of Forrester as both the transceiver and the additional receiver of claim 20. Forrester shows a “wireless communication transceiver 224 [which] comprises receiver 216” (Forrester at page 2, paragraph [0018]). That is, Forrester’s transceiver 224 includes a receiver 216. Claim 20, however, recites a “receiver” **AND** a “transceiver.” Therefore, the “receiver” of Claim 20 is not part of the “transceiver” but rather an additional feature. The Examiner appears to suggest that Forrester’s transceiver 224 shows both a receiver separate from a transceiver, which Forrester clearly does not show.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 21-23 & 28

Claims 21-23 and 28 each ultimately depend from independent Claim 20. For at least the reasons of allowability of Claim 20, Claims 21-23 and 28 are also allowable.

Furthermore, the language referenced by the Examiner fails to show each feature of the dependent claims as described in more detail below. For example, both Claims 21 and 22 recite a “weighted combination.” For these features, the Examiner cites to Forrester at paragraphs [0016]-[0018] and [0020] on page 2 and paragraph [0091] [sic]

on page 4. Applicant's Attorney is not able to find paragraph [0091] in Forrester or a reference "weight," "weighed" or "weighting" on page 4 of Forrester. Furthermore, Applicant's Attorney is unable to determine how the cited paragraphs ([0016]-[0018] and [0020] on page 2) disclose a "weighted combination" as found in dependent Claims 21 and 22. If the Examiner intends on maintaining this rejection, it is respectfully requested that the Examiner explain how and where Forrester discloses a "weighted combination" as recited in Claims 21 and 20.

Reconsideration is respectfully requested.

V. REJECTION UNDER 35 U.S.C. §103(a): Forrester, Blight & Deshpande

Claims 1-9, 11-13, 15-18, 25-26, 29-32, 34-42 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester (U.S. Pub. No. 2003/0134646) in view of Blight (U.S. Pub. No. 2002/0184418), and further in view of Deshpande (U.S. Pub. No. 2002/0176579). The rejection is traversed. Reconsideration, in light of the following statements, is respectfully requested.

Independent Claim 1

Amended Claim 1 recites, in part:

A position determination system comprising:
a wireless computer network transceiver ...;
a position determining entity to determine a position of the mobile communication device based on the data received from the access point;
and
a display to display non position information data based on the determined position.

For Claim 1, the Examiner states:

As to claim 1, 29, 40, Forrester discloses a position determination system comprising (Fig. 1): a wireless computer network transceiver configured to communicate with a network wireless access point (col. 1 through col. 2, par. [0015-0016]), the transceiver receiving data from the access point (col. 2, par. [0017]); and a display to display data based on the determined position (col. 2, par. [0021-0022]). However, Forrester does not disclose a mobile device communicated directly to Wireless Access Point, a display to display information data based on the determined position.

In the same invention, Blight discloses a mobile device communicated directly to Wireless Access Point (Fig. 1, col. 2, par. [0033]), a display to display information data based on the determined position (page 2, par. [0031]; page 3, par. [0046], [0083]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the WLAN in wireless communication as taught by Blight to the system of Forrester in order to addition [sic] a bandwidth of WLAN in [sic] reduced the traffic of GPS networks.

The combination of Forrester and Blight do [sic] not disclose a display to display non position information.

Deshpande discloses a display to display non position information (page 5, par. [0041]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a display to display non position information as taught by Deshpande to the combined system of Forrester, Blight in order to has a display the advertiser's location.

First, the Examiner has failed to explain how each feature of a claim is found in the cited references. In rejecting Claims 1, 29 and 40 amass, the Examiner has not considered each of the claimed features. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (MPEP 2143.03 citing *In re Wilson*).

Specifically, the Examiner has failed to address the feature of "a position determining entity to determine a position of the mobile communication device based on the data received from the access point" as claimed in Claim 1. Here, the Examiner has not cited a reference to this feature of Claim 1 and therefore this rejection is improper. If the Examiner intends on maintaining the rejection, the Applicant's Attorney respectfully requests that the Examiner not issue a Final Rejection following the present improper non-Final Rejection.

Second, Deshpande does not discloses the feature of "a display to display non position information data based on the determined position" as stated by the Examiner. The Examiner states that "combination of Forrester and Blight do [sic] not disclose a display to display non position information" but that "Deshpande discloses a display to display non position information (page 5, par. [0041])." Claim 1 recites "a display to display non position information data based on the determined position" where the

“position of the mobile communication device [is] based on the data received from the access point.” Unlike Claim 1, Deshpande describes location-based services based on the **location of the access point** and not the position of a mobile communication device. Deshpande describes that “special application server(s) 160 supplying location-based services **identifies which access point the device is accessing and registers its location**. ... the access point identification information ... is then sent to the location-based services database(s)” (Deshpande at paragraph [0041]). In other words, the location of an access point is used rather than a determined position of a mobile communication device as recited in Claim 1.

Reconsideration and withdrawal of this rejection is respectfully requested.

Independent Claims 29 & 40

Again, as explained above with respect to Claim 1, Deshpande does not disclose a “mobile device comprising: ...means for displaying non position information based on the determined position” wherein the determined “position of the mobile device [is] based on the data received from the access point” as recited in Claim 29. Similarly, Claim 40 recites “determining a position of the mobile device based on the data received from the access point.” Unlike Claims 29 and 40, Deshpande describes location-based services based on the **location of the access point** and not the position of a mobile device.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 2-9, 11-13, 15-18, 25-26, 30-32, 34-39, 41-42 & 44-49

Claims 2-9, 11-13, 15-18, 25-26, 30-32, 34-39, 41-42 and 44-49 each ultimately depend from one of independent Claims 1, 20, 29 or 40. For at least the reasons of allowability of Claims 1, 20, 29 or 40, dependent Claims 2-9, 11-13, 15-18, 25-26, 30-32, 34-39, 41-42 and 44-49 are also allowable.

Furthermore, the language referenced by the Examiner fails to show each feature of the dependent claims as described in more detail below. For example, **Claim 5** recites “wherein the position information is an address.” For this feature, the Examiner cites to Blight at paragraph [0081], which discloses a “server 270 may include a graphics map.”

Wherein “the position information is an address” is not described at paragraph [0081]. If the Examiner intends on maintaining this rejection, it is respectfully requested that the Examiner explain how paragraph [0081] discloses “wherein the position information is an address” as recited in Claim 5.

Additionally, it is unclear to the Applicant’s Attorney how a “Handheld computer 100, depicted in FIG. 1” as referenced by the Examiner in paragraph [0031] of Blight discloses a “management information base” as recited in **Claim 6**.

The Examiner states that the feature of “a predicted range of the wireless access point” as recited in **Claim 8** is disclosed by Blight at paragraphs [0118] and [0142], however, the Applicant’s Attorney is unable to find reference to “a predicted range” in the cited paragraphs.

Furthermore, the Examiner states that Blight at paragraphs [0101] to [0106] discloses “wherein the transceiver communicates a request to the wireless access point for non position information based on the determined position of the mobile communication device” as recited in **Claims 12, 35 and 45**. At paragraph [0101], Blight discloses “[w]hen a request is received to identify the location of a mobile device” but does not disclose “a request ... for non position information” as in Claim 12.

The arguments above with respect to Claim 20 and “a position ... based on ... the communication signals from the base transceiver station” as recited in Claim 20 are equally applicable to **Claims 17, 38 and 48**.

Again, the arguments above with respect to Claims 21 and 22 and a “weighted combination” are equally applicable to **Claims 18, 39 and 49**, which each recite a “weighted combination.”

With regard to **Claim 26**, the Examiner cites to Deshpande at “page 2, para. [0026]” however Applicant’s Attorney is unable to find such a paragraph and is unable to determine which page and paragraph the Examiner is trying to reference. Furthermore, paragraph [0026] on page 3 describing security measures makes no reference to “wherein the transceiver communicates a request to the wireless access point for non position

information based on the determined position of the mobile communication device” as recited in Claim 26.

If the Examiner intends to maintain any of these rejections, Applicant’s Attorney respectfully requests that the Examiner explain the reliance on the reference text with more clarity. Reconsideration and withdrawal of this rejection to each of these dependent claims are respectfully requested.

VI. REJECTION UNDER 35 U.S.C. §103(a): Forrester, Blight, Deshpande & Pond

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester and Blight in view of Deshpande as applied to claim 1 above, and further in view of Pond (U.S. Pub. No. 2004/0030601).

Claim 14

Claim 14 depends from independent Claim 1. For at least the reasons of allowability of Claim 1, Claim 14 is also allowable. Reconsideration and withdrawal of this rejection are respectfully requested.

VII. REJECTION UNDER 35 U.S.C. §103(a): Forrester, Blight, Deshpande & Gunnarsson

Claims 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester, Blight in view of Deshpande as applied to Claim 17 above, and further in view of Gunnarsson (U.S. Pub. No. 2003/0118015).

Claim 19 & 27

Claims 19 and 27 depend from independent Claims 1 and 20, respectively. For at least the reasons of allowability of Claims 1 and 20, Claims 19 and 27 are also allowable. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In light of the comments herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: November 6, 2007

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